

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Chapter 7

Dennis E. Hecker,

BKY Case No. 09-50779 (RJK)

Debtor.

TRUSTEE'S NOTICE OF SETTLEMENT

To: The United States Trustee, all creditors and other parties in interest.

NOTICE. On December 3, 2010, or as soon thereafter as the transaction may be completed, and subject to objection under applicable rules, the undersigned Trustee of the estate of the Debtor named above will settle or compromise a controversy as follows:

The Trustee has entered into a Settlement Agreement with VISIONBank to settle the Trustee's claims that the Debtor made recoverable preferential transfers to VISIONBank totaling \$3,124,606.39. The Trustee sought to avoid the transfers and recover the funds transferred from VISIONBank pursuant to 11 U.S.C. §§ 547 and 550. VISIONBank contends that the payments it received from the Debtor were made in the ordinary course of business between the Debtor and VISIONBank or were made according to ordinary business terms pursuant to 11 U.S.C. § 547(c)(2). The Trustee and VISIONBank have agreed to settle the Trustee's preference claims in exchange for payment by VISIONBank of \$400,000.00, payable in three installments between December 1, 2010 and December 1, 2012. The parties have also agreed that VISIONBank may file a proof of claim for the amount of the settlement payments, and that the Trustee shall not object to the same. Taking into account the issues to be litigated, and the costs and risks of litigation, the Trustee believes the settlement is in the creditors' best interests and should be approved.

OBJECTION: MOTION: HEARING. Under applicable rules, any objection must be in writing, be served on the undersigned Trustee and the United States Trustee, and be filed with the clerk, not later than 12:00 o'clock noon on the day before the date set for the settlement. If an objection is timely served and filed, the court will hold an expedited hearing on the objection with reduced notice of the hearing. The hearing will be scheduled by the trustee with notice by the trustee to the objecting party and the United States Trustee. If an objection is made or an order is required, the undersigned Trustee moves the court for such orders as may be necessary and appropriate.

Office of the Clerk
U.S. Bankruptcy Court
404 U.S. Courthouse
515 West First Street
Duluth, MN 55802

United States Trustee
1015 U.S. Courthouse
300 South 4th Street
Minneapolis, MN 55415

Trustee
(see address below)

Date: November 9, 2010

/e/ Randall L. Seaver
Randall L. Seaver, Trustee
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
952-890-0888